1950.

File No. B. Provl. Small cause cts./50

Legal Department.

B. BRANCH

Subject:—

L. A. Bill No. LI of 1950

A Bill to amend the Provisional Small Cause Courts Act, 1887, in its application to the state of Bombay.

Bom. Act No. LVII of 1950

File No. B. Provl. Small cause Courts/50

Gen. 194 e.

819-B

Legal Department.

A requisite draft Bill is ~~xxxxx~~ sent herewith.

2. The subject-matter of the Bill falls under entry 3 in List II in the Seventh Schedule to the Constitution. The Bill does not require any sanction or recommendation.

Sd/-J.P.Dhurandhar.
14-9

Additional Secretary to Government.

U.O. to E.D.No. 13197, dated the 13th September 1950.

S.A.K.
20-1
4 copies

K.S.R
29/9

IMMEDIATE. No. 16442
Legal Department,
Bombay Castle(Bombay No. 1), 23rd November 1950.

From

Shri J.R.Dhuramdhar,
Additional Secretary to the Goverament of Bombay
Legal Department.

To

The Secretary to the Governor of Bombay.

Subject:- The Provincial Small Cause Courts (Bombay Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Provincial Small Cause Courts (Bombay Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 25th and the 26th October/1950 respectively.

2. The subject matter of the Bill falls under entry 3 in List II and entries 13 and 46 List III in the Seventh Schedule to the Constitution of India. As the provisions of the Bill are repugnant to the provisions of the Provincial Small Cause Courts Act, 1887, which is an existing law relating to entry 46 read with entry 13 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. I also forward herewith six copies of each of the

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Items Nos. 1 to 3 and two copies of item 4 of the
2. Bill as read for the third time and passed by the Bombay Legislative Assembly.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 25th October 1950 and of the Bombay Legislative Council dated the 26th October 1950.	

S.A.K.
20-7
4 copies

papers noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Sd/-J.R.DHURANDHAR,
23-4

Additional Secretary to Government.

Through:
The Secretary to the Government of Bombay,
Home Department.

S.A.K.
20-7
4 copies

No. G.S. 3568

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY.

TO

The Secretary to the Bombay Legislature Department.

Council Hall, Bombay No. 1.

GOVERNMENT HOUSE

BOMBAY 6. Novr. 27 1950.

Sir,

With reference to the Provincial Small Cause Courts (Bombay Amendment) Bill, 1950, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on October 25 and 26, 1950, respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the Chairman, that as the provisions of the Bill are repugnant to the provisions of the Provincial Small Cause Courts Act, 1887, which is an existing law relating to entry 46 read with entry 13 in the Concurrent Legislative List, it is necessary to reserve the Bill for the Consideration of the President with reference to article 254(2) of the Constitution of India. His Excellency, the Governor is accordingly pleased, under article 200 of the Constitution, to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

L.M.Nadkarnni

Secretary to the Governor of Bombay

.....

No. G.S. -3569
Office of the Secretary to the Governor,
Government House, Bombay 6.
November 27th 1950.

Copy forwarded with compliments for information to :-

(1) The Additional Secretary to Government, Legal Department, with reference to his letter No. 16442, dated November 23, 1950.

(2) The Secretary to Government, Home Department, with reference to his endorsement No. 3987/6-B, dated November 24, 1950.

Sd/-

Secretary to the Governor.

S.A.K.
20-7
4 copies

No. G.S.- 3946

FROM

THE SECRETARY TO THE GOVERNOR OF BOMBAY.

TO

The Additional Secretary to Government.
Legal Department.

GOVERNMENT HOUSE.

BOMBAY(6), December 23, 1950.

Subject: The Provincial Small Cause Courts (Bombay Amendment) Bill, 1950.

Sir,

In continuation of my letter No. G.S.-3907, dated December 20, 1950, I am directed to forward herewith the authentic copy of the Provincial Small Cause Courts (Bombay Amendment) Bill, 1950, with the President's assent signified thereon.

Yours faithfully,

Sd/-

for Secretary to the Governor of Bombay.

S.A.K.
20-7
h c.

ACTS.

Publication of the
Provincial Small Cause Courts
(Bombay Amendment) Act, 1950.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 18277
Bombay Castle, 27th December 1950.

Letter to the Secretary to the Governor, No. 16442, dated the 23rd November 1950

Letter from the Secretary to the Governor, No. G.S. 3907, dated the 20th December 1950.

"With reference to the correspondence ending with this office endorsement No. G.S. 3589, dated November 27, 1950, I am to say that intimation has been received from the Government of India, Ministry of Home Affairs, that the President assented to the Provincial Small Cause Courts (Bombay Amendment) Bill, 1950 on December 1st, 1950."

RESOLUTION:- The Law should be published as Bombay Act No. LVII of 1950, in the Bombay Government Gazette dated the 27th December 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay.

Sd/- K.J.PATHARE,

for Additional Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30~~thx~~ Gazette copies of the Act may be forwarded to the Legal Department).
The Home Department.)
*The Oriental Translator to Government.) With a copy
The Bombay Legislature Department.)
The Director of Publicity, Bombay,) of the Act.
The Enquiry Officer for the Secretariat,)
Bombay.)

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* With four extra copies of the Act.

S.A.K.
20-7
4 copies

Registered No B 1

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY

FRIDAY, 6TH OCTOBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the " Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. LI OF 1950.

A Bill to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay.

IX of 1887. WHEREAS it is expedient to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement. 1. (*1*) This Act may be called the Provincial Small Cause Courts (Bombay Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 15 of Act IX of 1887. 2. In section 15 of the Provincial Small Cause Courts Act, 1887, hereinafter referred to as the said Act, in sub-section (*3*), for the words " one thousand rupees " the words " two thousand rupees " shall be substituted.

Amendment of section 28 of Act IX of 1887. 3. In section 28 of the said Act, in sub-section (*2*), for the words " five thousand rupees " the words " ten thousand rupees " shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under section 15 of the Provincial Small Cause Courts Act, 1887, the jurisdiction of the Small Cause Courts established under section 5 of the Act, is limited to Rs. 1,000 only. Recently, on the recommendation of the High Court the pecuniary civil jurisdiction of the Civil Judges of Junior Division has been increased from Rs. 5,000 to Rs. 10,000 by the Bombay Civil Courts (Amendment) Act, 1949. As a result of this increase in the jurisdiction of Civil Judges of Junior Division and the considerable appreciation in the value of moveable property the High Court has recommended that section 15 of the Provincial Small Cause Courts Act, 1887, should be amended so as to extend the jurisdiction of the Small Cause Courts in the mofussil to suits the value of which does not exceed Rs. 2,000. The Bill is intended to give effect to the High Court's proposal which has been accepted by Government.

Dated the 4th October 1950. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,

Additional Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 5th October 1950.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. LI OF 1950.

A Bill to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

WHEREAS it is expedient to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Provincial Small Cause Courts (Bombay Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

IX of 1887.

Amendment of section 15 of Act IX of 1887.

2. In section 15 of the Provincial Small Cause Courts Act, 1887, hereinafter referred to as the said Act, in sub-section (*3*), for the words " one thousand rupees " the words " two thousand rupees " shall be substituted.

Amendment of section 28 of Act IX of 1887.

3. In section 28 of the said Act, in sub-section (*2*), for the words " five thousand rupees " the words " ten thousand rupees " shall be substituted.

MO-V Bk Hb 335—1

STATEMENT OF OBJECTS AND REASONS.

Under section 15 of the Provincial Small Cause Courts Act, 1887, the jurisdiction of the Small Cause Courts established under section 5 of the Act, is limited to Rs. 1,000 only. Recently, on the recommendation of the High Court the pecuniary civil jurisdiction of the Civil Judges of Junior Division has been increased from Rs. 5,000 to Rs. 10,000 by the Bombay Civil Courts (Amendment) Act, 1949. As a result of this increase in the jurisdiction of Civil Judges of Junior Division and the considerable appreciation in the value of moveable property the High Court has recommended that section 15 of the Provincial Small Cause Courts Act, 1887, should be amended so as to extend the jurisdiction of the Small Cause Courts in the mofussil to suits the value of which does not exceed Rs. 2,000. The Bill is intended to give effect to the High Court's proposal which has been accepted by Government.

Dated the 4th October 1950.

MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LI OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

A Bill to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay.

[Shri MORARJI DESAI, M.L.A.]

MO-V Bk Hb 335—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY
WEDNESDAY, 27TH DECEMBER 1950.
Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	PAGE
BOMBAY ACT No. LVII OF 1950—An Act to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay	575

The following Act of the Bombay Legislature having been assented to by the President on the 18th December 1950 is hereby published for general information,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. LVII OF 1950.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 27th December 1950.)

An Act to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay.

IX of 1887. WHEREAS it is expedient to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Provincial Small Cause Courts (Bombay Amendment) Act, 1950. Short title and commencement.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

IX of 1887. 2. In section 15 of the Provincial Small Cause Courts Act, 1887, hereinafter referred to as the said Act, in sub-section (*3*), for the words "one thousand rupees" the words "two thousand rupees" shall be substituted. Amendment of section 15 of Act IX of 1887.

3. In section 28 of the said Act, in sub-section (*2*), for the words "five thousand rupees" the words "ten thousand rupees" shall be substituted. Amendment of section 28 of Act IX of 1887.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.